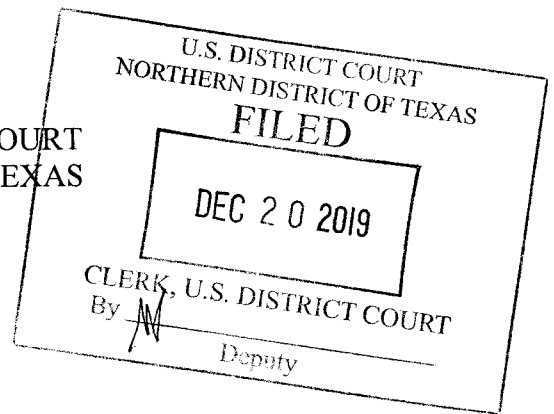


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION



ROBERT LEE MARTIN,

Petitioner,

v.

LORIE DAVIS, Director,  
Texas Department of Criminal Justice,  
Correctional Institutions Division,

Respondent.

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2:19-CV-92-Z

**ORDER**

On November 19, 2019, the United States Magistrate Judge entered findings and conclusions on the Petition for a Writ of Habeas Corpus filed in this case. The Magistrate Judge RECOMMENDS that Respondent's motion to dismiss be GRANTED, and the petition be DISMISSED. On December 5, 2019, Petitioner filed his response to the Motion to Dismiss (ECF No. 24), objection and motion to strike the Motion to Dismiss (ECF No. 25), and motion for discovery (ECF No. 26). Petitioner also filed objections to the findings, conclusions, and recommendation (ECF No. 27) on December 5, 2019.

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the Magistrate Judge, and Petitioner's objections, the Court concludes that the findings and conclusions are correct. It is therefore ORDERED that Petitioner's objections are OVERRULED, the findings, conclusions, and recommendation of the Magistrate Judge are ADOPTED, and the Petition for a Writ of Habeas Corpus is DISMISSED.

Considering the record in this case and pursuant to Federal Rule of Appellate Procedure 22(b), Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, and 28 U.S.C. § 2253(c), the Court denies a certificate of appealability because Petitioner has failed to make “a substantial showing of the denial of a constitutional right.” *Slack v. McDaniel*, 529 U.S. 473, 483 (2000). The Court ADOPTS and incorporates by reference the Magistrate Judge’s findings, conclusions, and recommendation filed in this case in support of its finding that Petitioner has failed to show (1) that reasonable jurists would find this Court’s “assessment of the constitutional claims debatable or wrong,” or (2) that reasonable jurists would find “it debatable whether the petition states a valid claim of the denial of a constitutional right” and “debatable whether [this Court] was correct in its procedural ruling.” *Id.* at 484.

If Petitioner files a notice of appeal, he may proceed *in forma pauperis* on appeal. See Federal Rule of Appellate Procedure 24(a)(3).

**SO ORDERED.**

December 20, 2019.

  
MATTHEW J. KACSMARYK  
UNITED STATES DISTRICT JUDGE